

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

COMMONWEALTH OF
MASSACHUSETTS, et al.,

Plaintiffs,

VS.

MIGUEL CARDONA, in his official capacity as Secretary of Education; and UNITED STATES DEPARTMENT OF EDUCATION.

Defendants.

Case No: 20-cv-04717 SBA

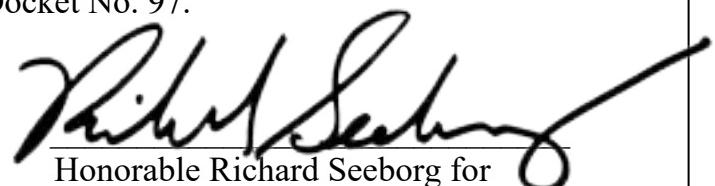
CONDITIONAL DISMISSAL ORDER

This action challenges the legality of borrower defense regulations published in
9. The action was stayed on May 6, 2021, to allow the Secretary of Education time to
consider the regulations at issue, Dkt. 79, and the stay was continued twice pending the
enactment of new borrower defense regulations, which were expected to moot the
action. Dkt. 81, 89. On November 1, 2022, the Department of Education published final
regulations, which are set to become effective on July 1, 2023. Dkt. 97 at 1. Plaintiffs do
not dispute that the 2022 regulations moot their claims regarding the validity of the 2019
regulations; however, they assert that their claims are not moot until the new regulations
take effect in July. *Id.* at 2. Although the Department of Education takes the position that
the action is moot at this juncture, the parties stipulate to continue the stay through July 18,
2023, to allow the 2022 regulations to take effect. *Id.* at 3.

1 In view of the publication of final borrow defense regulations that moot Plaintiffs'
2 claims challenging the 2019 regulations, IT IS HEREBY ORDERED that this action and all
3 claims asserted herein are DISMISSED. To accommodate Plaintiffs' position regarding the
4 effective date of the 2022 regulations, it is FURTHER ORDERED that any party may
5 move to reopen the case through July 18, 2023. If for some reason the 2022 regulations do
6 not take effect on July 1, 2023, the action may be restored to the Court's active docket for
7 further proceedings. This order terminates Docket No. 97.

8 IT IS SO ORDERED.

9 Dated: 12/29/2022



Honorable Richard Seeborg for
Honorable Saundra Brown Armstrong

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